

Attorney's Docket: 2000DE135
Serial No.: 10/004,601
Art Unit: 1756

REMARKS

The Office Action mailed December 12, 2002, has been carefully considered. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been introduced. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-14 are pending in this Application. By this Amendment, claims 1-14 have been amended to overcome a 35 USC § 101 and § 112, second paragraph rejection, while claims 15-17 have been added to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Therefore, the claims at issue include claims 1-17.

Claim Rejection Under 35 USC § 112, Second Paragraph

Claims 1-14 stand rejected under 35 USC § 112, second paragraph, as being indefinite. The Office states that claims 1-14 provide for the use of wax coated pigment granules as colorants, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicants are intending to encompass. This rejection is respectfully overcome.

By this Amendment, Applicants have amended independent claim 1 to recite a method for coloring a compound with wax coated pigment granules. Claims 2-14 have been amended to reflect the change made to independent claim 1.

The Office further states that claims 8 and 13 are indefinite because it is unclear if the broad range or the narrower preferred range is limiting the claims. Applicants have amended claims 8 and 13, removing the narrower range and making such range the subject of new claims 15 and 16.

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In view of the foregoing, it is courteously believed that the 35 USC § 112, second paragraph, rejections have been overcome.

Claim Rejections Under 35 USC § 101

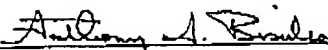
Claims 1-14 stand rejected under 35 USC § 101 because the claimed recitation of a use without setting forth any steps involved in the process results in an improper definition of a process. The rejection is respectfully overcome as Applicants have amended independent claim 1 to recite a method for coloring a compound with wax coated pigment granules, and have likewise amended depending claims 2-14 to reflect the change to independent claims 1.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached document is entitled "Version with Markings to Show Changes Made."

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the foregoing amendments and remarks, the present application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,


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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rohr, et al. Docket: 2000DE135
Serial No.: 10/004,601 Group Art Unit: 1756
Filed: 11/01/2001 Examiner: Rodee, Christopher D.
For: Use of Coated Pigment Granules In Electrophotographic Toners and Developers,
Powder Coatings and Ink Jet Inks

Version with Markings to Show Changes Made**IN THE CLAIMS**

Please amend claims 1 through 14 as follows:

1) (Amended) A method for coloring a compound with [The use of] wax-coated pigment granules as colorants comprising the step of adding to the compound [in electrophotographic toners and developers, powder coating materials, inkjet inks, electret materials, and color filters, wherein the] coated pigment granules [have] having a particle size of between 0.05 and 5 mm and a wax content of from 1 to 50% by weight, based on the overall weight of the coated pigment granules, and wherein the compound is selected from the group consisting of electrophotographic toners, electrophotographic developers, powder coating materials, inkjet inks, electret materials and color filters.

2) (Amended) The [use] method as claimed in claim 1, wherein the coated pigment granules have a wax content of from 5 to 40% by weight, based on the [overall] overall weight of the coated pigment granules.

3) (Amended) The [use] method as claimed in claim 1, wherein the wax coated pigment particles further comprise an organic pigment, and wherein the organic pigment is an azo pigment or a polycyclic pigment.

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- 4) (Amended) The [use] method as claimed in claim 3, wherein the polycyclic pigment is selected from the group consisting of an isoindolinone, isoindoline, anthanthrone, thioindigo, quinophthalone, anthraquinone, dioxazine, phthalocyanine, quinacridone, perylene, perinone, thiazineindigo, diketopyrrolopyrrole and[/or] azomethine pigment.
- 5) (Amended) The [use] method as claimed in claim 1, wherein the wax is selected from the group consisting of natural wax, [a] modified natural wax, [a] semisynthetic wax, [a] fully synthetic wax, [an] amide wax, [a] chlorinated or fluorinated polyolefin wax, [or a] thermoplastic polyester resin, epoxy resin, styrene-acrylate copolymer resin, styrene-butadiene copolymer resin [or] and cycloolefin copolymer resin.
- 6) (Amended) The [use] method as claimed in claim 5, wherein the fully synthetic wax is a polyolefin wax, a cycloolefin copolymer wax or a polyethylene glycol wax.
- 7) (Amended) The [use] method as claimed in claim 6, wherein the polyolefin wax is a polyolefin wax containing polar groups which has been formed by subsequent oxidation of the polyolefin wax, by graft reaction with monomers containing carboxylic acid, carboxylic ester, carboxylic anhydride or hydroxyl groups, or by copolymerization of an olefin and a monomer containing carboxylic acid, carboxylic ester, carboxylic anhydride or hydroxyl groups.
- 8) (Amended) The [use] method as claimed in claim 1, wherein the wax has a dropping point of between 60 and 180°C[, preferably between 80 and 140°C].
- 9) (Amended) The [use] method as claimed in claim 1, wherein the coated pigment granules are spray dried.

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10) (Amended) The [use] method as claimed in claim 1, wherein the coated pigment granules further comprise [are used in combination with] a charge control agent selected from the group consisting of triphenylmethanes; ammonium and immonium compounds; iminium compounds; fluorinated ammonium compounds and fluorinated immonium compounds; biscationic acid amides; polymeric ammonium compounds; diallylammonium compounds; aryl sulfide derivatives; phenol derivatives; phosphonium compounds and fluorinated phosphonium compounds; salt-like structured silicates; calix(n)arenes; resorcinols; cyclically linked oligosaccharides, interpolyelectrolyte complexes; polyester salts; metal complex compounds; boron complexes of 1,2-dihydroxyaromatics, 1,2-dihydroxyaliphatics or 2-hydroxy-1-carboxyaromatics; benzimidazolones; azines, thiazines, and oxazines.

11) (Amended) The [use] method as claimed in claim 10, wherein the charge control agent is present in the coated pigment granules in an amount of from 0.1 to 30% by weight, based on the overall weight of the coated pigment granules.

12) (Amended) The [use] method as claimed in claim 1, wherein the electrophotographic toners are selected from the group consisting of [in] liquid toners [or] and powder toners.

13) (Amended) The [use] method as claimed in claim 1, wherein the coated pigment granules are used in an amount of from 0.1 to 90% by weight, [preferably from 0.5 to 40% by weight,] based on the overall weight of the [electrophotographic toner, powder coating material or electret material] compound.

14) (Amended) The [use] method as claimed in claim 1, wherein the coated pigment granules are [used] in the form of a masterbatch.

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Please add new claims 15 through 17 as follows:

15. (New) The method as claimed in claim 1, wherein the wax has a dropping point of between 80 and 140°C.

16. (New) The method as claimed in claim 1, wherein the coated pigment granules are used in an amount of from 0.5 to 40% by weight, based on the overall weight of the compound.

17. (New) A colored compound comprising coated pigment granules having a particle size of between 0.05 and 5mm and a wax content of from 1 to 50% by weight, based on the overall weight of the coated pigment granules, wherein the colored compound is selected from the group consisting of a binder for electrophotographic toners, a binder for electrophotographic developers, powder coating materials, a base for inkjet inks, electret materials and color filters.